UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Manuel ANGULO-Galaviz,** Defendant	Magistrate Docket No. 08 MJ 0442
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 14, 2008** within the Southern District of California, defendant, **Jose Manuel ANGULO-Galaviz,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th DAY** OF **February 2008.**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Manuel ANGULO-Galaviz

PROBABLE CAUSE STATEMENT

On February 14, 2008, at approximately 2:59 a.m., San Diego Sector Communications received a call from the Chula Vista Police Department, requesting Border Patrol for an immigration evaluation at the intersection of Fourth Avenue and "K" street, in Chula Vista, California. Border Patrol Agents V. Garcia and B. Barba responded and arrived at approximately 3:50 a.m. Upon arriving, Sgt. Heinz advised the agents that he had performed a vehicle stop on a 1992 Gold Ford Aerostar, because the plate was partially covered with tape. When Sgt. Heinz approached the vehicle, he saw that there were approximately ten to twelve people inside. The driver, later identified as the defendant, Jose Manuel ANGULO-Galaviz, did not have a driver's license and told Sgt. Heinz that all of the passengers were in the country illegally.

Both Agents approached the vehicle and identified themselves as Border Patrol Agents to all occupants in the vehicle including one later identified as the defendant, **Jose Manuel ANGULO-Galaviz.** They then performed an immigration inspection. All ten , including the defendant, responded that they were citizens of Mexico with no immigration documents that would allow them to enter or remain in the United States legally. The defendant along with the nine passengers were arrested and transported to the Chula Vista Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 3, 2004** through **Otay Mesa, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

ANGULO was advised of his Miranda Rights. ANGULO stated that he understood his Miranda Rights and that he was willing to speak with us without an attorney present. ANGULO stated that he is a citizen and national of Mexico with no proper immigration documents that would allow him to enter or remain in the United States legally. ANGULO stated that he was deported by an Immigration Judge after he was arrested for smuggling illegal aliens inside a vehicle. ANGULO stated that he does not have any immigration petitions pending on his behalf. ANGULO stated that he illegally crossed into the United States approximately 40 days ago near Tijuana, Baja California, Mexico after he jumped the United States/Mexico International Fence. ANGULO stated that his intentions were to go to Oregon where he intended to work. Instead, ANGULO decided to stay in San Diego, California and continue to work as an alien smuggler.